IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14718 of 2005

Between:

Ankireddypally Raja Reddy, S/o.Chinna Obul Reddy,
R/o.Nalupureddypally village , Mydukur Mandal, Kadapa district

..... PETITIONER

AND

1 The Executive Officer, Sri Rama Lingeswara Swamy Temple,
Lekkalavarypally Village, Mudukur Mandal, Kadapa district.
2 The Executive Officer, Sri Anjaneya Swamy & Sri Chennakesava Swamy

Temple, Ganjikunta Village, Mudukur Mandal, Kadapa district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondents in seeking to conduct auction in respect of the lands owned by Sri Ramalingeswara Swamy Temple, Lekkalavarypally Village, Mydukur Mandal, Kadapa district and Sri Anjaneya Swamy & Sri Chenna Kesava Swamy Temple, Ganjikunta Village, Mydukuru Mandal, Kadapa district, pursuant to the notification dt.24-6-2005, as illegal, arbitrary and violative of principles of natural justice, by directing the respondents to forthwith renew the lease in favour of petitioner with enhancement of 10% over and above the existing lease amount; and award costs.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondent Nos. 1 & 2: MR.V.VENUGOPALA RAO

The Court, at the stage of admission, made the following:

Oral order:-

The petitioner was the tenant of agricultural lands of Sri Ramalingeswara Swamy Temple in Lekkalavarypally village of Mydukur mandal; Sri Anjaneya Swamy and Sri Chenna Kesava Swamy Temples, Ganjikunta village of Mydukur mandal, Kadapa district in a total extent of Ac.09-65 cents in survey Nos. 946/1, 946/2, 943 and 818. The petitioner's lease stood terminated in view of the provisions of Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short 'the Act'). Even the formal lease granted in favour of the petitioner expired by March, 2005. In the circumstances, the respondents issued a notification dated 24-06-2005 proposing to lease out the lands of the Temples for a period of three years with the auction scheduled on 04-07-2005. It is stated by the petitioner that the auction has since been postponed to 11-07-2005. The petitioner states that as he has invested huge amounts for raising crops of Banana and Turmeric and these standing crops would be ripe for harvest in about three months, the respondents should be prohibited from holding the auction and dispossessing the petitioner.

As the petitioner's lease is over by March, 2005, the petitioner has no manner of entitlement to continue in the lands in question. Normally, petitioner should have so planned his use of the agricultural lands he has taken on lease, as to vacate the tenanted premises after the period of lease. Any investments made by the petitioner contrary to such legitimate expectation would not create any equities in his favour. In any event, as the lease period of the petitioner is over, there is no legal ground to interdict the auction process.

On the analysis above, there are no merits in the writ petition. The writ petition is dismissed at the stage of admission. No costs.

GODA RAGHURAM, J

Dt. 08-07-2005

Pvks/*

To

1 The Executive Officer, Sri Rama Lingeswara Swamy Temple, Lekkalavarypally Village, Mudukur Mandal, Kadapa district.
2 The Executive Officer, Sri Anjaneya Swamy & Chennakesava Swamy

Temple, Ganjikunta Village, Mudukur Mandal, Kadapa district.

3. 2 CCs., to Mr. V. Venugopal Rao, learned standing counsel for the respondents (OUT).

4. 2 CD copies

*Form-NIC-OGS/WP{**TRR**}*